

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 4:22-cr-00297-SRC-2
LEWIS REED,)	
)	
Defendant.)	

Order

The Court vacates the *Frye* hearing and status conference set for August 23. On August 26, 2022 at 11:00 a.m., the Court will hold a change-of-plea hearing in Courtroom 3N. Defendant will be detained at the conclusion of the hearing, as required by 18 U.S.C. § 3143, unless Defendant meets an exception to detention set forth in the section 3143.

I. Release or detention pending sentencing for convicted defendants not subject to mandatory detention.

Defendants with convictions for which mandatory detention does not apply must be detained, unless:

1. The U.S. Sentencing Guidelines do not recommend a term of imprisonment. 18 U.S.C. § 3143(a)(1).

or

2. Defendant proves by clear and convincing evidence that Defendant is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c). *Id.*; see also *United States v. McDonald*, 4:20-cr-00070-SRC (E.D. Mo. April 23, 2021) (explaining 18 U.S.C. § 3143(a)(1)'s clear-and-convincing-evidence standard); see also Fed. R. Crim. P. 46(c) ("The burden of establishing that the defendant will not flee or pose a danger to any other person or the community rests with defendant.").

II. Release or detention pending sentencing for convicted defendants subject to mandatory detention.

Defendants with convictions for which mandatory detention does apply must be detained pending sentencing, unless:

1. **a)** The Court finds that there is a substantial likelihood that it will grant a judgment of acquittal or new trial; **or**

 b) The United States recommends no sentence of imprisonment be imposed. 18 U.S.C. § 3143(a)(2)(A).

 and

2. Defendant proves by clear and convincing evidence that Defendant is not likely to flee or pose a danger to the safety of any other person or the community. *Id.* at § 3143(a)(2)(B); *see United States v. McDonald*, 4:20-cr-00070-SRC (E.D. Mo. April 23, 2021); *see also* Fed. R. Crim. P. 46(c).

The Court further notes that the “exceptional reasons” provision of 18 U.S.C. § 3145(c) does not apply to district judges. *See United States v. Harry Hamm*, 4:19-cr-00613, Doc. 95 (E.D. Mo. April 27, 2021).

So Ordered this 22nd day of August 2022.


STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE